

REMARKS

The Official Action of January 27, 2006, and the prior art cited and relied upon therein have been carefully studied. The claims in the application remain claims 1-6, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 1-6 remain in the application for consideration.

In response to the Examiner's rejection of claims 1-6 on the ground of non-statutory obviousness-type double patenting, Applicant has enclosed herewith a Terminal Disclaimer which disclaims any patent protection granted the claimed invention extending beyond the expiration date of U.S. Patent No. 6,638,200. Applicant respectfully submits that this rejection has now been overcome.

The Examiner has further rejected claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over Yu in view of Tsou. Applicant respectfully traverses this rejection as applied to the claims as amended.

Applicant does not agree with the Examiner's indication that Yu teaches Applicant's claimed invention with the exception of rollers interconnected by an auxiliary support rod.

First, there is no teaching or showing in Yu of an urging frame equivalent to that claimed by Applicant. The claimed urging frame 40 clearly comprises a main support rod 41 and an auxiliary support rod 42 fixed together at their opposite ends by side supports 43 wherein main support rod 41 is rotatably engaged to the bottom side of jogging platform 30 so as to permit linear actuator 50 to swivel urging frame 40 as a unit and wherein rollers 45 on auxiliary support rod 42 are slidably engaged in guide slots 111 on base 10.

Further, there is no teaching of input member 44 being fixed on main support rod 41.

In comparison, to the extent Yu has an urging frame, it is comprised solely of left and right support rods 20, 22 which are fixed together at their midsections by a cross rod 24 which has an expandable rod 18a rotatably engaged at its midpoint. The opposite ends of left and right Yu support rods 20, 22 are engaged between base 12 and platform 14. There is no teaching whatever in Yu of the claimed main support rod 41 rotatably engaged to the bottom side of a jogging platform or

the rollers 45 on an auxiliary support rod 42 slidably engaged in guide slots 111.

In addition, the fact that the claimed input member 44 is fixed on main support rod 41 rather than being rotatably engaged clearly establishes the structural differences between claimed linear actuator 50 set out in claim 6 and the actuator of Yu. The Yu actuator clearly does not teach the threaded interface set out between the claimed transmission shaft 521 of actuator 50 and driven member 522 which is rotatably engaged to input member 44 all of which enables the swiveling movement of urging frame 40.

Tsou also fails to teach the structural features of the claimed urging frame 40 identified above. The two Tsou rocking arms 3 are pivotally connected to pivot sections 27 and the other ends fixed to shaft 31 having rollers 32 at opposite ends thereof. There is no teaching in Tsou of a main support rod having an input member fixed thereon, fixed to side supports and rotatably engaged to a bottom side of a jogging platform as claimed. Accordingly, even if the combination of Yu and Tsou was obvious (not admitted), the resulting structure would still not be equivalent to that claimed as neither patent teaches a main support rod having an

Appln. No. 10/661,578
Amdt. dated July 26, 2006
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input member fixed thereon and being rotatably engaged to a bottom side of a jogging platform.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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